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volves a very wide interpretation of the power granted, and is not held by Prussian jurists generally. It is, however, fully in accord with the general monarchical and conservative spirit which pervades all Dr. Bornhak's work. From the juristic point of view it would seem to be more capable of justification than the view of Gneist. The latter considers it to be the first duty of the crown to carry on the government. He is of the opinion that if the legislature or if one house thereof refuses to vote the budget, the executive may not on that account allow the public weal to suffer, but must order the payment of all necessary expenses, trusting to obtain indemnity from the legislature in the future. Such a theory is not really juristic at all. It transcends all legal bounds. It solves the problem rather by political science than by law. In this matter Zorn and Jellinek seem to have taken the right position. They frankly acknowledge that the law cannot solve the question, but that it must be solved by political science. But whoever may be right, Dr. Bornhak's attempt at a legal solution is both ingenious and interesting, and is not incapable of justification.

The book is provided with a full index of the entire three volumes. It completes without a doubt one of the most important works on Prussian public law which have recently appeared, and maintains the same high standard of excellence which is characteristic of all Dr. Bornhak's writings.

F. J. G.

Commentaries on the Law of Municipal Corporations. By JOHN F. DILLON, LL.D. Fourth edition, thoroughly revised and enlarged. Boston, Little, Brown & Company, 1890. — 8vo, clxxiv, vi, 1516 pp., bound in 2 vols.

From its first appearance, eighteen years ago, Judge Dillon's work has taken a foremost place in American legal literature; and in the particular branch of which it treats, it has occupied the field without a rival. Considering the growing importance and the intricate nature of the subject, the fact that no other special American treatise on municipal corporations has come into existence is itself strong evidence of the thoroughness with which the author has performed his task. Although but nine years have passed since the publication of the third edition, yet so rapid, almost portentous, has been the development of municipal life, so numerous are the recent statutes, reported decisions and constitutional enactments relating to cities, so deep and widespread is the interest aroused in every phase of municipal history and administration, that an entire revision has for some time been needed. And I feel sure that neither the lawyer nor the general student will be disappointed in the present edition. It is a revision in the best sense of the word.

Every chapter — nearly every paragraph — shows abundant evidence of conscientious pruning or elaboration by the author's own hand. By these alterations the bulk of the text has been expanded from 1080 to 1338 pages ; while, in addition, the index has been more than doubled, and the useful table of cases cited has been extended by fifty-three pages in double column. The improvements are perhaps most noticeable in the chapters on Contracts, Eminent Domain, Streets, and Municipal Taxation and Local Assessments. Here the author's characteristics are well represented : clearness of style, judgment in the selection of cases for special discussion, careful definition supported by forcible description, and wealth of citation and illustration in the marginal notes.

The student of historical and political science, it must be confessed with regret, has learned to expect little aid in his department from law-writers, though there are, of course, honorable exceptions to the rule. Too often the credulous or uncritical statements of Blackstone and similar commentators are repeated, while the researches of modern scholars into the genesis and development of legal institutions are almost wholly ignored. It is therefore very gratifying to be able to commend Judge Dillon's book in this regard. Nowhere does the present edition show a more marked improvement over the preceding than in the discussion of questions relating to municipal administration. The author's sound views as to the defects in our municipal organization and as to the character of the reforms needed can scarcely fail to exert a good influence through the bar upon American legislation. Thus he enforces the lesson which we may learn from a study of the municipal institutions of Prussia, whose scheme of organization gives to the municipality very general powers, with the limitation on the exercise of many of them, that they shall be approved by some superior administrative officer of the central government. [But] this administrative control over the acts of the municipality does not in practice seem to be carried to so great an extent as the control actually, although irregularly, exercised by the state legislatures over our American municipalities ; so that . . . the Prussian cities in fact enjoy, it is said, a greater degree of freedom from central interposition than with us [page 14].

Again, the danger that results from vesting

unrestrained power in the central legislative authority to bestow valuable franchises affecting cities and property therein, without the consent of the municipal authorities and of the property owners,

is pointed out ; and the recklessness with which such franchises are squandered upon private companies by American cities is denounced.

Administered on business principles, a city ought to derive large revenues from the use of wharves, from railways occupying streets with their tracks, from gas, water and other companies to which are given the right to lay mains in the streets and public places [page 30].

Further on, he emphasizes the significant fact that

in many of the more important aspects, a modern American city is not so much a miniature state as it is a business corporation, — its business being wisely to administer the local affairs and economically to expend the revenues of the incorporated community [page 34].

And he endorses the view that "more power and more responsibility" should be vested in the mayor or executive head (page 31).

What is especially noteworthy in this connection is the author's familiarity with the lay literature of his subject. The best and most recent writers are usually cited. The marginal notes are rich in material which will be of value to the non-professional reader. The historical sketch is in the main good though too general, and it contains one or two sections which should have been subjected to thorough revision. Thus the account of the civic communities established by Rome (pages 4, 5) is inadequate. The authoritative literature is not mentioned, and some of the statements are misleading. Similar objections may be made to the passage (pages 15-16) on the English towns at the time of the conquest. The author would have done well here had he accepted the guidance of Bishop Stubbs, with whose writings he shows elsewhere that he is acquainted. But to lay too much stress on possible shortcomings such as these would be ungrateful as well as unfair, for the author has warned us that he is writing "strictly for the practising lawyer," and does not purpose giving "a detailed account of the origin and rise of cities and towns." Judge Dillon's treatise is a credit to American scholarship, and must remain indispensable to every student of municipal institutions.

GEORGE E. HOWARD.

De l'Exécution des Jugements Étrangers dans les Divers Pays.

Par CHARLES CONSTANT. Paris, G. Pedone-Lauriel, 1890. — 207 pp.

This is a second and very much enlarged edition of a small work published in 1883, which was so well received that it was soon out of print. The present edition forms the twenty-ninth number of Pedone-Lauriel's *Bibliothèque Internationale et Diplomatique*, and constitutes an excellent manual on the execution of foreign judgments in various countries. A larger space is naturally given to the law on that subject in France than to the law of any other country, but a general and instructive statement is afforded of the rules that obtain in the United States, England, Germany, Austria-Hungary, Belgium, Brazil, Bulgaria, Chili, Denmark, Egypt, Spain, Greece, Hayti, Italy, Luxemburg, Mexico, Monaco, the Netherlands, Peru, Portugal, Roumania, Russia, Servia, Sweden and Norway, Switzerland and Turkey. From this list it is apparent that the work of M. Constant is much more comprehensive in respect to the